



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 4374-99
29 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Assistant Staff Judge Advocate for Military Law, Headquarters Marine Corps, dated 1 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

1070

JAM2

01 OCT 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION
IN THE CASE OF (FORMER) [REDACTED]

1. We are asked to provide an opinion on Petitioner's request for removal from his official record of all entries related to the nonjudicial punishment (NJP) he received on 1 July 1975.
2. We recommend that the requested relief be denied. Our analysis follows.
3. Background. On 1 July 1975, Petitioner was punished for a single violation of Article 86, UCMJ, for failing to go to his appointed place of duty. He was awarded 7 days restriction and forfeiture of \$25.00 pay per month for one month, and the restriction was suspended for a period of three months. Petitioner did not appeal.
4. Analysis. The page 12 entry that records the NJP is correct in form and suggests no irregularity in the proceeding itself. Petitioner elected not to appeal the punishment at the time, and his present petition provides no basis to revisit the matter 24 years after the fact.
5. Conclusion. Accordingly, for the reasons noted, we recommend that the requested relief be denied.

M. W. Fisher, Jr.

M. W. FISHER, JR.
Head, Military Law Branch
Judge Advocate Division